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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,497	11/15/2001	Terry Allen-Rouman	020375-002720US	4579
20350 7590 09/20/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHENCINSKI, SIEGFRIED E	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/991,497

Applicant(s)

ALLEN-ROUMAN ET AL.

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 9, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 12 and 20 are rejected** because these claims recite the limitation "temporary stored value fund" in the third limitation element. There is insufficient antecedent basis for this limitation in the claim. The specification contains no temporary accounts, nor does it contain stored value funds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10,12-18 and 20-22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Rosen (US Patent 5,557,518) in view of Kolling et al. (US Patent 5,920,847, hereafter Kolling) and Official Notice.

Re. Claim 1, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party, the method comprising steps of:

- determining a first account associated with the first party (Fig. 2, Col. 5, ll. 38-43);
- determining a second account associated with the second party, wherein at least one of the first account and the second account is a bank account (Fig. 35B);
- initiating a first transfer between the first account and a third account (Col. 3, l. 66 – Col. 4, l. 3);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).

Rosen does not explicitly disclose

- providing a third account, the third account not associated with either the first party or the second party, wherein the third account is a temporary stored value fund, the third account receiving credits from the first account and debits from the second account;
- initiating a second transfer between the third account and the second account, wherein the second-listed initiating step occurs before the receiving step;
- receiving notification, from the third account, that the first transfer has cleared;
- and
- initiating a second transfer from the third account to the second account, wherein initiating the second transfer occurs before receiving notification that the first transfer has cleared.

However, Kolling discloses initiating a second transfer between the third account and the second account, wherein the second-listed initiating step occurs before the receiving step (Col. 2, ll. 26-29). Further, Kolling discloses a number of ways in which bill pay service payments were functioning at the time of Kolling's disclosure (Col. 2, ll. 7- Col. 3, l. 4). These include electronic remittances to the biller party and check methods sent through the US Mail. The reason that the ordinary practitioner of the art would have seen it as obvious that the second-listed initiating step occurs before the receiving step in Kolling is because such a practitioner would have known how the various ways of

funds transactions work when bill pay services are involved. The examiner takes Official Notice that the following information was well known to the ordinary practitioner of the art at the time of Applicant's invention: a) the sending and receiving of credits and debits electronically between accounts; b) that the first party on whose behalf the bill payer/third party is transferring funds to the second party rarely if ever receives confirmation information before the bill pay service transmits the funds to the biller and the funds clear, which clear the same day or within a few days in the case of checks. The first party (payer) usually receives such confirmations in a monthly statement from his bank and from his bill pay service. Thus, normally, funds transferred from the third party to the second party biller typically are transferred to the second party prior to the first party payer receiving a funds clearance message, since those messages are typically contained in the bill pay service's monthly statement to the first party payer. In fact, often payees don't even receive an explicit funds clearance notification, since such clearance is an implicit event in a monthly statement. Further, the ordinary practitioner also would have known that in the case of electronic transfers, such as from the payer to the transfer server, and from the transfer server to the payee, the payer would almost always only have received notice of funds clearance after the second transfer has cleared, even when the payer receives a funds clearance message; and c) that it would have been an obvious option for the third party to transmit clearance information about the first party's funds transfer to the third party a service accommodation to positively verify that the first party's transfer was completed in the funds transfer system, thus implicitly giving assurance to the first party payer that the third party's payment to the second party would be or already had been made according to the business understanding between the first and third party.

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling and Official Notice for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Kolling, Col. 1, ll. 17-20).

Re. Claim 2, Rosen does not explicitly disclose wherein the first-listed and second-listed initiating steps occur as part of the same session with the automated clearinghouse (ACH) network. However, Kolling discloses the clearance of payment transfers through the ACH network (Col. 9, ll. 23-38, 54, 64, 66). It is obvious that the first-listed and second-listed initiating steps can occur as part of the same session with the automated clearinghouse (ACH) network. Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 3, Rosen does not explicitly disclose wherein at least one of the first initiating step and the second initiating step comprise a step of sending transfer information to the ACH network. However, Kolling discloses the clearance of payment transfers through the ACH network (Col. 9, ll. 23-38, 54, 64, 66). It is obvious that at least one of the first initiating step and the second initiating step can comprise a step of sending transfer information to the ACH network. Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 4, it is obvious in Rosen's disclosure that both the first account and the second account can be bank accounts (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44). However, Kolling discloses that both the first account and the second account are bank accounts (Col. 9, ll. 23-37). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of

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presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 5, Rosen does not explicitly disclose storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts. However, Kolling discloses storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts (Cl. 11, ll. 14-33). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 6, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party. However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 7, Rosen does not explicitly disclose wherein a first amount of the first

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transfer is larger than a second amount of the second transfer. However, Kolling discloses that the first transfer is larger than a second amount of the second transfer through the deduction of a fee from the first transfer prior to the making of the second transfer (Col. 11, ll. 56-59). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 8, Rosen discloses wherein first account information for the first account is not accessible to the second party (Col. 1, l. 67).

Re. Claim 9, Rosen does not explicitly disclose deducting a service fee from a first amount of the first transfer to determine a second amount of the second transfer.

However, Kolling discloses deducting a service fee from a first amount of the first transfer to determine a second amount of the second transfer (Col. 11, ll. 56-59).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 10, Rosen does not explicitly disclose wherein the second-listed initiating step is automatically performed. However, Kolling discloses transferring funds between a first party and a second party wherein the second-listed initiating step is automatically performed (Col. 11, ll. 14-33).

Re. Claim 12, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party, the method comprising steps of:

- determining a first account associated with the first party (Fig. 2, Col. 5, ll. 38-43);

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- determining a second account associated with the second party (Fig. 35B);
- initiating a first transfer from the first account to the third account, wherein the third account is not associated with either the first party or the second party (Col. 3, l. 66 – Col. 4, l. 3);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).

Rosen does not explicitly disclose

- sending transfer information to the automated clearinghouse (ACH) network
- providing a third account, the third account not associated with either the first party or the second party, wherein the third account is a temporary stored value fund, the third account receiving credits from the first account and debits from the second account;
- initiating a second transfer between the third account and the second account, wherein the second-listed initiating step occurs before the receiving step;
- receiving notification, from the third account, that the first transfer has cleared; and
- initiating a second transfer from the third account to the second account, wherein initiating the second transfer occurs before receiving notification that the first transfer has cleared.

Please see the rejection of claim 1 for the disclosures of Kolling and Official Notice.

Further, Kolling discloses a step of sending transfer information to the automated clearinghouse (ACH) network (Col. 2, ll. 26-29). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling and Official Notice for the purpose of presenting a method of a plurality of funds transfers in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Kolling, Col. 1, ll. 17-20).

Re. Claim 13, Rosen discloses a method for transferring funds in the online transaction between the first party and the second party wherein at least one of the first account and

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the second account is a bank account (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44).

Re. Claim 14, it is obvious in Rosen's disclosure that both the first account and the second account can be bank accounts (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44). However, Kolling discloses that both the first account and the second account are bank accounts (Col. 9, ll. 23-37). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 15, Rosen discloses a method, wherein the first-listed and second-listed initiating steps occur substantially simultaneously (Col. 23, ll. 62-64).

Re. Claim 16, Rosen discloses a method for storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts. However, Kolling discloses storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts (Cl. 11, ll. 14-33). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 17, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party.

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However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 18, Rosen does not explicitly disclose wherein a first amount of the first transfer is larger than a second amount of the second transfer. However, Kolling discloses that the first transfer is larger than a second amount of the second transfer through the deduction of a fee from the first transfer prior to the making of the second transfer (Col. 11, ll. 56-59). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 20, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party as described in the rejections of claims 1-19 above, including

- storing information on a plurality of accounts associated with the first party (implicit);
- receiving selection of a first account from the plurality of accounts; determining a second account associated with the second party (Fig. 35B);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).

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- initiating a first transfer from the first account to the third account (Col. 3, l. 66 – Col. 4, l. 3);
- determining a second account associated with the second party (implicit);

Rosen does not explicitly disclose:

- wherein initiating the first transfer comprises sending transfer information to the automated clearinghouse (ACH) network;
- providing a third account, the third account not associated with either the first party or the second party, wherein the third account is a temporary stored value fund, the third account receiving credits from the first account and debits from the second account;
- receiving notification, from the third account, that the first transfer has cleared; and
- initiating a second transfer from the third account to the second account, wherein initiating the second transfer occurs before receiving notification that the first transfer has cleared, wherein initiating the first transfer comprises sending transfer information to the automated clearinghouse (ACH) network;
- wherein, a first amount of the first transfer is larger than a second amount of the second transfer; and
- wherein, the information on the plurality of accounts is not accessible to the second party.

Please see the rejections of claims 1 & 12 for the disclosures of Kolling and Official Notice.

Further, it would have been obvious to the ordinary practitioner that a first amount of the first transfer would be larger than a second amount of the second transfer in such cases as when a transfer fee charged by the third party transfer service is included in the first party's transfer amount. It would also have been obvious to the practitioner that the plurality of accounts is not accessible to the second party since the third party must maintain account information confidential from payee parties. Therefore, it would have

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been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling and Official Notice for the purpose of presenting a method of making a plurality of funds transfers in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Kolling, Col. 1, ll. 17-20).

Re. Claim 21, Rosen discloses a method of determining types of accounts acceptable to the second party as funds sources;

culling the plurality of accounts to present only account types acceptable by the second party; and

presenting the culled plurality of accounts to the first party.

Re. Claim 6, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party.

However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Re. Claim 22, Rosen does not explicitly disclose a method wherein authorization by the first party triggers automatic performance of the two initiating steps and the second-listed receiving step. However, Kolling discloses a method wherein authorization by the first party triggers automatic performance of the two initiating steps and the second-listed receiving step (Col. 11, ll. 5-33. The automatically triggered steps are implicit).

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Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Response to Arguments

4. Applicant's arguments received on August 8, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kambiz Abdi, can be reached on (571) 272-6702.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

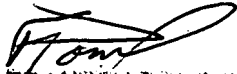
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(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

September 14, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692